

Application No.: 10/575,871
Filing Date: January 29, 2007

REMARKS

Applicants thank Supervisory Patent Examiner Bianco and Examiner Hawthorne for the courtesy of the personal interview conducted with Applicants on November 12, 2009.

Amendments and new claims

Claims 1-8, 10-43 are currently pending, and claims 1, 11, 14, 23, 28-32 and 37 are presently amended. No new matter has been added.

Claim Objections

Examiner has objected to claims 14 and 23 because of certain typographic errors. These claims have been amended to correct these typographic errors, and withdrawal of these objections is respectfully requested.

Claim Rejections under 35 U.S.C. § 102

Examiner has rejected claims 1-2, 4-5, 10-11, 14-16, and 19-21 under 35 U.S.C. § 102(e) as being anticipated by US7494482 ("Orgill").

With regards to independent claims 1 and 11, and as discussed during the interview, Orgill fails to disclose a cleansing means under a backing layer. Claim 1 includes a limitation calling for a cleansing means "positioned between the wound and the backing layer." Claim 11 includes a limitation calling for a cleanser "positioned between the wound and the wound cover." Although Examiner has made reference to column 13, lines 8-35 and Figure 9 of Orgill, neither of these specific references nor the remainder of the Orgill reference recites any structure or adaptation that would suggest a cleansing means for placement under a wound dressing backing layer. Moreover, the moving device 160 that Examiner points to is a roller pump, a type of pump that is unlikely to be small enough to fit under a backing layer. Also, and in the interest of advancing prosecution, Applicants have also amended claims 1 and 11 to more clearly describe the elements presently claimed.

Accordingly, as Orgill does not teach or suggest all of the elements of independent claims 1 and 11, Applicants respectfully request that the present rejection be withdrawn. Also, because claims 2, 4-5, 10, 14-16, and 19-21 depend from either claim 1 or 11, Applicants submit that these claims are likewise allowable over the cited prior art, not only because they depend from an

allowable base claim, but also because each of these claims recite a unique combination of features not disclosed, taught, or suggested by the cited art. Consequently, withdrawal of these rejections is respectfully requested as well.

Claim Rejections under 35 U.S.C. § 103

Examiner has rejected claims 3 and 6-8 under 35 U.S.C. § 103(a) as being obvious over Orgill in view of US6254567 ("Treu"). Claims 12-13, 17, and 25-26 were rejected under 35 U.S.C. § 103(a) as being obvious over Orgill in view of US6755807 ("Risk"). Claim 18 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Orgill. Claim 22 was rejected under 35 U.S.C. § 103(a) as being obvious over Orgill in view of WO 84/01904 ("Swanbeck"). Claim 23 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Orgill in view of US 2003/0175798 ("Raees"). Claims 24 and 27 were rejected under 35 U.S.C. § 103(a) as being obvious over Orgill. Claims 28-31, 32-34, 36-40 and 42-43 were rejected under 35 U.S.C. § 103(a) as being obvious over Orgill in view of US7381859 ("Hunt"). Claims 35 and 41 were rejected under 35 U.S.C. § 103(a) as being obvious over Orgill and Hunt in view of US 2003/0212431 ("Brady").

With respect to independent claim 24, Examiner rejected this claim as obvious in view of Orgill, stating that Orgill in Figure 8a substantially discloses "the invention as claimed except for cleansing the wound exudate beneath the wound dressing and returning the cleansed fluid to the wound," and that Figure 9 "teaches cleansing the wound exudate the wound dressing." However, and as discussed above and during the interview, Orgill does not teach or suggest cleansing wound exudate under a dressing. Accordingly, withdrawal of this rejection is respectfully requested.

Turning to independent claims 28 and 38, these claims were rejected by Examiner as being obvious over Orgill in view of Hunt. Examiner states that Orgill teaches all the elements of these claims, with the exception of "a film configured to define a space between the backing layer and an upper surface of the film," which Examiner asserts is found in the Hunt reference. Again, and as discussed above and during the interview, Orgill does not teach or suggest retaining wound exudate in the space between a backing layer and a film. With regards to Hunt, Hunt is directed to using foam sandwiched between a film with apertures as a means to direct

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vacuum through a dressing to prevent clogging—no provision was made for storing wound exudate beneath a dressing, and no teachings in this reference would suggest this. Additionally, and in the interest of advancing prosecution, Applicants have also amended claim 28 to more clearly describe the elements claimed. Applicants respectfully request the withdrawal of these rejections.

With respect to the remainder of the presently-rejected claims, Applicants submit that these claims are allowable as being allowable over the prior art cited, not only because they depend from an allowable base claim, but also because each claim recites a unique combination of features not disclosed, taught, or suggested by the cited art. Withdrawal of these rejections is respectfully requested.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Docket No.	Serial No.	Title	Filed
SMNPH.002C1	12/416,829	APPARATUS FOR ASPIRATING, IRRIGATING AND CLEANSING WOUNDS	04/01/2009
SMNPH.003APC	10/576,263	WOUND CLEANSING APPARATUS WITH ACTIVES	11/09/2006

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SMNPH.004APC	10/575,875	WOUND CLEANSING APPARATUS WITH HEAT	02/01/2007
SMNPH.006APC	10/575,870	WOUND CLEANSING APPARATUS WITH SCAFFOLD	04/17/2006
SMNPH.007C1	11/957,860	WOUND CLEANSING APPARATUS WITH STRESS	12/17/2007
SMNPH.008APC	10/599,722	DRESSING AND APPARATUS FOR CLEANSING THE WOUNDS	09/19/2008
SMNPH.009APC	10/599,725	APPARATUS FOR CLEANSING WOUNDS WITH MEANS FOR SUPPLY OF THERMAL ENERGY TO THE THERAPY FLUID	09/22/2008
SMNPH.010APC	10/599,728	APPARATUS FOR ASPIRATING, IRRIGATING AND/OR CLEANSING OF WOUNDS	11/03/2008
SMNPH.011APC	11/577,642	SIMULTANEOUS ASPIRATE & IRRIGATE & SCAFFOLD	08/23/2007
SMNPH.014APC	11/919,355	WOUND TREATMENT APPARATUS AND METHOD	10/26/2007
SMNPH.015APC	11/919,369	WOUND TREATMENT APPARATUS AND METHOD	10/26/2007
SMNPH.016APC	11/919,354	WOUND TREATMENT APPARATUS AND METHOD	10/26/2007
SMNPH.017APC	12/066,578	APPARATUS WITH ACTIVES FROM TISSUE	03/12/2008
SMNPH.018APC	12/066,730	APPARATUS WITH ACTIVES FROM TISSUE	10/09/2008
SMNPH.019APC	12/066,585	APPARATUS	03/12/2008

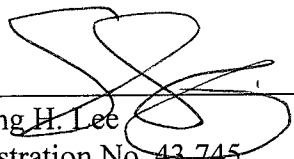
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 8, 2009

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